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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,647	01/03/2002	Tomohiro Nomizo	111491	6174

7590 05/07/2004

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EXAMINER	
LANE, JOHN A	

ART UNIT	PAPER NUMBER
2188	7

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,647	NOMIZO ET AL.	
	Examiner	Art Unit	
	Jack A Lane	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the request for reconsideration filed 04/20/04. Claims 1-13 are presented for examination. Any objections or rejections made in the previous office action not specifically repeated below are withdrawn.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103 (a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

3. Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazunori (JP 03-038687) or the admitted prior art, each taken separately, in view of Morimoto et al. (EP 0793166) or Ichiro (JP 10-021068), each taken separately.

Kazunori teaches the claimed "projector" as projector 1 shown in figure 3. The claimed "internal storage device" corresponds to memory within module 3. The "memory controller" corresponds to circuitry including element 2. The claimed "mobile memory" corresponds to IC memory card 7. However, Kazunori does not discuss a control program in memory card 7 to be used in place of a control program within the projector module.

The admitted prior art discussed on pages 5 and 6 teaches a conventional projector module 30 shown in figure 2 and a general purpose computer module 20. The circuitry appears to be prior art based on applicant's disclosure. However, the admitted prior art does not discuss a control program in pc card 41 to be used in place of a control program within module 20.

Morimoto teaches the claimed "mobile memory" as external storage device 3. The claimed "second control system stored in the mobile memory" corresponds to a program stored in external storage 3 (fig. 3). The program stored in flash memory 41 (claimed "internal storage device") is replaced with the program stored in storage 3 if the program version is higher in external storage 3. The version upgrade/change capability provides for the best performance of the overall system. Likewise, Ichiro teaches a program in RAM 7 to be updated by a new program in memory card 9 (fig. 2).

Because updating an existing program with a new program stored in a memory card enables upgrades in processing performance, it would have been obvious to use the program version upgrade schemes of Morimoto or Ichiro, each taken separately, in the

projection system of Kazunori or the admitted prior art, each taken separately. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

The examiner believes most, if-not-all, dependent claim features are taught by the combination set forth above. However, in the event a claim feature(s) is not inherent applicant should consider the claim feature(s) in light of the Official notification put forth below.

Official notice is taken of the prior art teaching any claim feature not specifically discussed above. That is, any prior art (including that of record) teaching the more well known claim features commonly found in the dependent claims. The claim features, while part of the invention, appear to be well known and their relevance not essential to the main invention found in the independent claim(s). Thus, a detailed discussion of the well known claim features is not warranted at this time. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the primary references with the officially taken prior art given the state of the art at the time the well known claim features were invented.

With respect to activating/launching a program from mobile memory, the examiner presents the following well known scenario commonly found in the officially taken prior art discussed above. Video game cartridges or audio game/learning cartridges are plugged into stations for executing the program stored on the cartridge. The station sometimes has a sample or initial program/game that runs without the

cartridge. The plugged in cartridge replaces the initial program/game with a different game. The program/game on the cartridge is activated/launched/run from the cartridge and not the internal memory.

4. Applicant's arguments filed 04/20/01 have been fully considered but they are not deemed to be persuasive.

In the Remarks, with regard to admitted prior art, applicant argues:

> The specification on pages 5 and 6 clearly identifies the projectors [10] shown in Figures 1 and 2 as "embodiments of the present invention." ...respectfully submit that such description is not an admission that the projector 10 is prior art

Applicant further states:

> ASP terminal module 20 "mainly having the similar functions to those of a conventional computer" and a projector module 30 "mainly having the similar functions to those of a conventional projector."

In response, the examiner is still unclear as to what is prior art and what is the invention. As shown in figure 2, projector 10 comprises module 20 and module 30. In view of the specification and applicants comments above it appears at least modules 20 and 30 of projector 10 are prior art. In response to this Office action, please specify exactly what is prior art and what is the invention.

In the Remarks, with regard to the 103 rejection, applicant argues:

Applicants submit that neither Morimoto nor Ichiro discloses, teaches or suggests "a basic system...which activates a second control system stored in the mobile memory, in place of the first control system", as recited in claim 1 and similarly recited in claims 5 and 9.

In response, it appears applicant is limiting the independent claims to the situation where the second control program remains in the mobile memory while being launched/activated. However, the instant claims do not preclude storing the control program in the internal storage first.

The examiner is also unclear as to what the claimed function "activates" entails. Does it mean the claimed "second control system" is run entirely from the mobile memory without ever being read into internal memory? It appears the instructions within mobile memory must at a minimum be read into internal storage registers (i.e. instruction registers) or RAM for execution.

With respect to activating/launching a program from mobile memory, the examiner presents the following well known scenario. Video game cartridges or audio game/learning cartridges are plugged into stations for executing the program stored on the cartridge. The station sometimes has a sample or initial program/game that runs without the cartridge. The plugged in cartridge replaces the initial program/game with a different game. The program/game on the cartridge is activated/launched/run from the cartridge and not the internal memory.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

6. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any response to this final action should be mailed to:
Box AF

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450
or faxed to:
(703) 872-9306, (for Official communications intended for entry)
Or:
(703) 872-9306, (for Non-Official or Draft communications, please label "Non-Official" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 703 305-3818. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703 306-2903.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

JACK A. LANE
PRIMARY EXAMINER